

*****DRAFT***DRAFT***DRAFT***DRAFT**
MINUTES OF THE ZONING BOARD REGULAR
MEETING ON MONDAY, MAY 6, 2013, 7:00 P.M.,
7TH FLOOR, LAND USE CONFERENCE AREA,
STAMFORD, CONNECTICUT

Present for the Board: Thomas Mills, Barry Michelson, Bill Morris, Audrey Cosentini, Harry Parson and Kathleen Donahue. Present for staff: Norman F. Cole, Land Use Bureau Chief and David Killeen, Associate Planner

REGULAR MEETING

Mr. Mills called the meeting to order at 7:04 p.m.

APPROVAL OF MINUTES:

Minutes of April 8, 2013

After a brief discussion, Mr. Morris moved to approve the minutes as amended. Ms. Donahue seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Cosentini, Morris, Donahue and Parson; Michelson not voting).

Minutes of April 22, 2013

After a brief discussion, Mr. Michelson moved to approve the minutes as amended. Mr. Morris seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Cosentini, Morris, Michelson and Parson).

Minutes of April 29, 2013

After a brief discussion, Mr. Michelson moved to approve the minutes as amended. Ms. Donahue seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Donahue, Morris, Michelson and Parson).

PENDING APPLICATIONS:

1. Application 213-05 – RMS 750 SUMMER STREET, LLC & RMS HOLDINGS, LLC,
Map change

After a brief discussion, Mrs. Cosentini moved to approve the map change application. Seconded by Mr. Morris and approved, 5 to 0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson).

2. Application 213-07 – RMS 750 SUMMER STREET, LLC, 750-760 Summer Street,
Special Exception and Site and Architectural Plan Review
3. Application 213-08 – GDP and Final Site Plan - RMS 750 SUMMER STREET, LLC, &
RMS HOLDINGS, LLC, 750-760 Summer Street, GDP and Final Site Plan review

Both Mrs. Cosentini and Ms. Donahue were recused from voting on these two applications.

Mr. Cole distributed draft conditions which the Board then discussed.

Regarding Condition (b), the board questioned whether the lowest cornice was synthetic (Fipon). Staff clarified that the lowest cornice was precast stone. The Board asked to delete Condition (e). The Board asked to add IPE fencing along the south property line, and to add granite curbing along Summer Street.

After a brief discussion, Mr. Michelson moved to approve both applications. Seconded by Mr. Parson and approved, 4 to 0 with the eligible members voting (Mills, Morris, Parson and Michelson; Cosentini not voting). The approval motion to read as follows:

WHEREAS, the Zoning Board has received applications for approval of General Development Plan, Final Site & Architectural Plans & Requested Uses as well as Special Exception approval submitted by RMS 750 Summer Street LLC and RMS Holdings, LLC for a project consisting of a 6 story building containing 58 residential units, 58 parking spaces, and associated amenities and site plan improvements, on property located at 750-760 Summer Street in the MX-D District, pursuant to the “Infill Development” standards of the MX-D Regulations; and

WHEREAS, the approved Site & Architectural Plan & Requested Uses and Special Exception applications are more particularly described in a set of architectural plans entitled: “A0.00 Title Sheet”, “A0.01 Site Plan”, “A0.02 FAR Sheet”, “A1.01 Grade Level Plan”, “A1.02 Typical Level Plan”, “A1.03 Roof Top Amenity Level”, “A2.01 Elevation”, “A2.02 Elevation”, and “A3.01 Sections”, prepared by Beinfield Architecture, PC and dated November 13, 2012, with revisions to January 30, 2013; civil and survey drawings: General Location Survey, Topographic Survey, Zoning Location Survey, C-1.0 Site Grading and Layout Plan, C-2.0 Storm Drainage and Utility Plan, C-3.0 Site Distance Plan, C-4.0 Sedimentation and Erosion Control Plan, C-5.0 Notes and Details, C-5.1 Details, prepared by Rocco V. D’Andrea, Inc. and dated January 28, 2013; and landscape plans: SPL-1.0 Landscape Site Plan, SPL-2.0 Planting and Materials, and SPL-2.1 Details, prepared by Eric Rains Landscape Architecture, LLC and dated January 18, 2013 with revisions to January 30, 2013 and such related materials, reports and exhibits constituting the application file as may be amended to be consistent with representations made during the public hearing on April 8, 2013, April 22, 2013, and April 29, 2013 and conditions contained herein. Together all of these documents are referred to hereinafter as the Building and Site Plans; and

WHEREAS, the Zoning Board conducted a duly called public hearing on April 8, 2013, April 22, 2013 and April 29, 2013 and has considered the favorable referral comments of the Planning Board; and

WHEREAS, the Zoning Board makes the following special findings:

- The Site & Architectural Plan & Requested Uses and Special Exception applications, as herein modified, conform to the standards, goals, purposes and specific objectives of the MX-D Infill Development Zoning Regulations and the Stamford Master Plan as well as all of the standards of Sections 7.2 and 19-3.2 of the Stamford Zoning Regulations.
- The applications establish appropriate uses, utilize a sensitive design and include a pedestrian-friendly streetscape environment.
- The proposed building design and materials are of an acceptable quality.
- The amount of open space provided is appropriate for the location in the Downtown Core proximate to the Mill River Park.
- The relationship of yard requirements to the location of the structure is consistent with the Downtown Core location.
- The applications appropriately create new dwelling units in an underutilized area of the Downtown and improve the existing streetscape environment.

NOW THEREFORE BE IT RESOLVED that the Zoning Board approves Applications 213-07 and 213-08 requesting General Development Plan approval, Special Exception approval and approval of the Final Site & Architectural Plans, subject to the following conditions:

- a) All work shall substantially conform to the above referenced Building and Site Plans unless otherwise approved by the Zoning Board or, for minor modifications, Zoning Board staff.
- b) The exterior facades of the Applicant's building shall consist of cast stone at the first level, brick for the next four floors of the building, and Hardieplank panels or an equivalent product on the upper level, as illustrated on the above plans and as presented during the public hearing. The windows shall be Pella vinyl or equal and a color to be determined by the Zoning Board. The brick shall be a deep reddish brown color, and the lowest cornice shall be precast stone. Any modification to product representations or material samples provided in connection with the applications or during the public hearing must be approved by the Zoning Board administratively.
- c) The alternate blade sign and the canopy presented during the public hearing on 4/29/13 are approved subject to Zoning Board administrative approval of final details related to size and design. Said sign shall be designed in compliance with the Zoning Regulations and representations made by the Applicants during the public hearing.

- d) Zoning Board staff shall review and approve any significant mechanical equipment installed within the view of any public street and not depicted on the Building and Site Plans submitted with the application. As agreed with the Board, vents will be directed to the sides of the building and will not penetrate the surface of the front façade unless otherwise approved by the Zoning Board. The applicant will make every effort to blend the appearance of exterior vents with the overall building design and material choices utilized for the rest of the building. Samples of vents will be provided to the Zoning Board staff for review.
- e) Granite curbing shall be installed along the Summer Street frontage.
- f) Applicant shall install a screening fence, made of IPE wood, along the southern property line between the subject property and 700 Summer Street. Said fence shall conform to the Stamford Zoning Regulations.
- g) A Street Opening Permit shall be required for any work within a public street right-of-way.
- h) The conditions listed in a memorandum from Susan Kiskien to Norman Cole dated March 18, 2013, shall be incorporated herein and satisfied prior to issuance of a Building Permit.
- i) Prior to issuance of a Building Permit, a Consolidation Map shall be filed on the City of Stamford Land Records.
- j) Prior to the issuance of a Building Permit, the Applicants shall submit final site and architectural plans, landscaping and streetscape plans, including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board staff, to ensure consistency with the approved plans, architectural elevations, and illustrative renderings constituting the record of the application.
- k) Prior to the issuance of a Building Permit, sewer, streetscape and storm drainage plans are subject to final review of design specification and construction by the Engineering Bureau.
- l) Prior to issuance of a Building Permit, Erosion and Sedimentation Control Plans shall be submitted and shall be subject to approval by EPB staff.
- m) Prior to the issuance of a Building Permit, the Applicants shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Land Use Bureau Chief or his designee. Such Construction Management Plan shall address, but not be

limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging areas for materials and construction worker parking as well as temporary measures requiring the timely removal of construction debris and/or litter from the jobsite and provide for.

- n) Prior to the issuance of a Building Permit, the Applicant shall submit a fee-in-lieu payment, calculated as 0.48 BMR units times 145%, times the Area Median Income for a four person household, based on the standards of Section 7.4 and the current Area Median Income (currently equaling a payment of \$80,249). The “fee-in-lieu” payment shall be adjusted for any subsequent changes in the Area Median Income, as of the date of the building permit. Upon approval by the Zoning Board, the Applicant may direct these funds to an organization or developer to be utilized for below market rate housing consistent with Section 7.4 of the Stamford Zoning Regulations.
 - o) Prior to the issuance of a Certificate of Occupancy, the Applicants shall record on the Stamford Land Records an Affordability Plan, in accordance with the standards of Section 7.4 of the Zoning Regulations, permanently establishing on-site a total of three (3) BMR units, subject to Zoning Board staff approval.
 - p) Prior to issuance of a Certificate of Occupancy, the Applicants shall submit lighting details for final approval by Zoning Board staff.
 - q) Prior to issuance of a Certificate of Occupancy, the Applicants shall submit a trash management plan subject to approval by Zoning Board staff.
 - r) Prior to issuance of a Certificate of Occupancy, the Applicants shall submit a Drainage Maintenance Agreement, subject to approval by Environmental Protection Board staff.
4. **CSPR-931 – VAUGHN, 16 Joshua Slocum Dock**, install a generator and 500 gallon below ground propane tank on side yard of single family dwelling in an R-7-1/2 zoned coastal flood area.

After a brief discussion, Mr. Parson moved to table this application until additional information was received including the useful life of the tank and corrosion of tie-downs. Seconded by Mr. Morris and postponement was approved, 5 to 0 with the eligible members voting (Mills, Morris, Parson, Michelson and Cosentini).

Mr. Mills called a brief recess at 8:45pm and resumed the regular meeting at 9:00pm.

OLD BUSINESS

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Attorney John Freeman introduced Bill Buckley to provide the Board with an update on remediation and bulkhead. Mr. Buckley described the ongoing work. Mr. Mills asked that the Ponus Yacht Club confirm with Staff the plans to remediate "Parcel X". Regarding sheetpiling, the materials are scheduled to be received next week. Mr. Morris asked about removal of docks and pilings. Mr. Buckley responded they are removing docks either because they were damaged in recent storms or in the way of sheetpiling work. Under the existing COP, they all have to be put back. Mr. Mills asked about the tracking pad and sediment control and Mr. Buckley explained their plans. Sheetpiling will start next week.

Attorney Freeman said in 90 days they will make a specific proposal to satisfy the cultural requirement.

NEW BUSINESS

The Board discussed whether the Bridgewater Headquarter application for the 14-acre peninsula was ready to be accepted for review.

Mrs. Cosentini said she didn't feel the Board should accept the application for processing until the Zoning Board has approved a replacement Boatyard.

The Board further discussed the Bridgewater Headquarter application, the LOI from the Mayor's office and the need to understand the license agreement pertaining to this application. Mr. Cole was asked to summarize the status of the application. He distributed copies of a memo entitled "Application Deficiencies – Bridgewater Headquarters, Bateman Way, SRD-S", 11/1/12-4/19/13, and a memo from Attorney John Freeman, dated May 6, 2013.

Mr. Mills deferred further discussion to the next meeting and the application was not accepted for processing.

ADJOURNMENT

There being no further business, Mr. Mills adjourned the meeting at 11:00pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board